

IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE MIDDLE DISTRICT OF ALABAMA  
SOUTHERN DIVISION

TONY MILLER,	)	
	)	
Plaintiff,	)	CIVIL ACTION NO. 1:08cv216-WC
	)	
v.	)	
	)	
MICHAEL J. ASTRUE,	)	
Commissioner of Social Security,	)	
	)	
Defendant.	)	

**ORDER ON MOTION**

**PLEASE NOTE: Please read this order carefully. The previous scheduling order has been revised to impose new responsibilities and deadlines on parties to social security litigation. These deadlines and responsibilities may not be changed without leave of the court. All parties are expected to comply with this order in a timely manner, without unnecessary requests for extensions of time.**

Plaintiff has filed a Complaint (Doc. #1) seeking review of a decision of the Commissioner of Social Security as well as a motion to proceed *in forma pauperis* (Doc. #2). Accordingly, it is

ORDERED that Plaintiff's motion (Doc. #2) for leave to proceed *in forma pauperis* is GRANTED. It is further

ORDERED as follows:

1. Within 90 days after the date of service of the Complaint, Defendant shall file an answer and serve on Plaintiff a complete copy of the record of the administrative proceedings.
2. Within 40 days after Defendant has filed his answer and served Plaintiff with

the administrative record, Plaintiff shall file a brief in support of his or her claim(s) for relief. Plaintiff shall serve copies of his/ her brief upon the United States Attorney's Office and upon Chief Counsel, Office of General Counsel, Social Security Administration, 601 East 12<sup>th</sup> Street, Room 535, Kansas City, Missouri 64106.

3. Within 30 days after Plaintiff's brief is filed, Defendant shall file a reply brief and file with the court a complete copy of the administrative record. Defendant is specifically DIRECTED to address **all of the contentions and arguments** made by the claimant in the same order in which the plaintiff has made them in his or her brief.

4. The briefs shall not exceed **a total of 15** pages, except as approved by the Court upon motion. **Any motion to exceed the court's page limit shall be filed no later than one week before the deadline for the submission of the brief.** No extensions of time for filing briefs shall be allowed absent a showing of good cause. If a party desires an extension of time within which to respond, the moving party is specifically DIRECTED to file a motion for extension before the date upon which the brief or response is due. *See Hill v. Dekalb Regional Youth Detention Center*, 40 F.3d 1176 (11th Cir. 1994). Unless oral argument is deemed necessary by the court, this case shall be deemed submitted as of the date on which the defendant's reply brief is filed.

5. Plaintiff's brief shall contain a section titled "Statement of the Issues." In this section **in numbered paragraphs**, Plaintiff shall state in a **concise, specific<sup>1</sup> manner** each

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<sup>1</sup> Thus, general statements of issues such as "the ALJ's decision is not supported by substantial evidence" will not be considered by the court.

issue which Plaintiff presents to the court for resolution. Issues not presented in the Statement of the Issues will not be considered. Defendant's reply brief will address with specificity each issue raised by Plaintiff in a manner consistent with the issues as raised in the numbered paragraphs contained in the Statement of Issues.

6. Claims or contentions by Plaintiff alleging deficiencies in the ALJ's consideration of claims or alleging mistaken conclusions of fact or law and contentions or arguments by the Commissioner supporting the ALJ's conclusions of fact or law **must include a specific reference, by page number, to the portion of the record** which (recites the ALJ's consideration or conclusion and (2) which supports the party's claims, contentions or arguments.

7. Either party may request oral argument in appropriate cases at the time the party's brief is filed.

8. Upon entry of the final order, the United States Attorney shall forward a copy of the order to the Administrative Law Judge who decided the case.

### **NOTICE**

This civil case has been randomly assigned to a United States Magistrate Judge of this court. In accordance with 28 U.S.C. § 636(c), the Magistrate Judges of this court are designated to conduct any and all proceedings in a jury or nonjury civil case and order the entry of final judgment upon the consent of all parties to a case. Any appeal from a judgment entered by a Magistrate Judge is taken directly to the United States Court of Appeals for the

Eleventh Circuit in the same manner as any appeal from any judgment entered in this court.

As a party to this lawsuit, you have the right to consent or decline consent to the jurisdiction of a Magistrate Judge. **Litigants, without concern for any adverse consequences, freely may decline consent to the jurisdiction of a Magistrate Judge.** If you decline to consent to the jurisdiction of a Magistrate Judge, this case will be reassigned randomly to a District Judge; however, the Magistrate Judge will continue in the case for the purpose of entering a report and recommendation in accordance with 28 U.S.C. § 636(b). To consent to the jurisdiction of a Magistrate Judge you should complete the attached form and return it to the Clerk of the Court within 21 days from the date of this order.

Done this 26th day of March, 2008.

/s/ Wallace Capel, Jr.  
WALLACE CAPEL, JR.  
UNITED STATES MAGISTRATE JUDGE

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**CONSENT TO JURISDICTION BY A UNITED STATES MAGISTRATE JUDGE**

In accordance with the provisions of Title 28, U.S.C. § 636(c), the undersigned party or parties to the above-captioned civil matter hereby confirm in writing their consent to a United States Magistrate Judge conducting any and all further proceedings in the case, including trial, and ordering the entry of a final judgment.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Counsel For (**print** name(s) of all parties)

\_\_\_\_\_  
Address, City, State Zip Code

\_\_\_\_\_  
Telephone Number